

PATENT
IBM Docket No. CA9-2000-0024US1

Remarks

This paper is a response to an Office action mailed October 20, 2004. The request is timely filed and no extension of time is necessary.

As noted above some of the claims have been amended to overcome objections helpfully pointed out by the Examiner or other grammatical problems found by the undersigned attorney. The amendments are not submitted for the purpose of overcoming the prior art as the claims already distinguish over known prior art.

Claims 1, 5 and 7 are rejected under 35 U.S.C 102(b) as being anticipated by US Patent 5,926,624 - Katz et al. For a 102(b) rejection to be appropriate, the reference is supposed to teach each and every element of the rejected claim. This is something that the Katz et al patent does not do.

Beginning with claim 1, the claim recites a storage subsystem containing definitions of customer groups. Katz et al does not teach the definition of customer groups. The closest thing Katz et al appears to teach are groups or sets of "mobile playback devices". The purpose of the present invention is to make sure that certain kinds of information can be made available to certain kinds of customers, not to a set of mobile playback devices.

Moreover, the claim also recites information item definitions in which each item is associated with one or more of the defined customer groups. Katz et al fails to teach the definition of an association between a particular item of information and one or more defined customer groups.

Claim 5 is couched as a method for controlling access but recites in method format the elements described above. Claim 7 is couched as a program product claim but also recites the elements described above. These are elements that are neither disclosed nor suggested by Katz et al.

A 35 USC 102(b) rejection of the claims is clearly improper and should be withdrawn.

09/873,967

- 5 -

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Claims 2-4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al in view of US Patent 5,970,475, described as teaching an electronic procurement system. Barnes is cited specifically as teaching an authentication storage subsystem for storing customer identifiers and associated passwords and authentication logic that operates to authenticate customers when input information matches stored information.

It is immaterial whether Barnes teaches such a subsystem or such logic because Barnes clearly does not teach definitions of customer groups or definition of associations between information items and particular customer groups. Even if the teachings of Barnes are somehow combined with the teachings of Katz et al, the end result is not the system defined by the claims of this application.

The rejection of claims 2-4, 6 and 8 is improper and should be withdrawn.

It is submitted that the claims in this application, as amended herein, define patentably over the art of record and meet all other statutory requirements. Allowance of the claims is respectfully requested.

Respectfully Submitted,



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- 6 -